JUL 18 2005 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Kobi Iki et al.

Art Unit

: Unknown

Serial No.: 10/766,894

Examiner: Unknown

Filed Title

: January 30, 2004

CARTILAGE TREATMENT PROBE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

#### AMENDMENT TO CORRECT INVENTORSHIP

Pusuant to 35 U.S.C. § 116 and 37 C.F.R. § 1.48(a), please amend the application to add Mark Markel and Ryland B. Edwards III as inventors. The other inventors in this application are: Kobi Iki, William M. Ambrisco, Douglas M. Lorang, Alan P. Gannon, Richard M. Ranalli, and Mathew E. Mitchell.

Applicants submit herewith a Statement of Lack of Deceptive Intention, a new Declaration executed by the currently-named inventors, and an Assent of the Assignee and Certificate under 37 C.F.R. § 3.73(b).

Enclosed is a \$130.00 check for the processing fee required under 37 C.F.R. § 1.17(i). Please apply any other charges or credits to Deposit Account No. 06-1050.

07/19/2005 JADDO1 00000078 10766894

Date:

01 FC:1464

130.00 OP

MAY 12 2005

Respectfully submitted,

Joel R. Petrow, Reg. No. 30,886

Chief Patent Counsel Smith & Nephew, Inc.

1450 Brooks Road Memphis, TN 38116

JUL 1 8 2005

#### THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kobi Iki et al. Serial No.: 10/766,894

Art Unit : Unknown Examiner : Unknown

Filed

January 30, 2004

Title

: CARTILAGE TREATMENT PROBE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

#### TRANSMITTAL LETTER

Please accept to filing in this application the enclosed Amendment to Correct Inventorship, Assent of Assignee to Correction of Inventorship and Certificate Under 37 C.F.R. § 3.73(b), Combined Declaration and Power of Attorney, and Statement of Lack of Deceptive Intent.

The required fees are set forth in the enclosed documents. Please apply any charges not covered, or any credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Data

Scott B. Markov

Reg No 46 899

Fish & Richardson P.C. 1425 K Street, N.W.

11th Floor

Washington, DC 20005-3500 Telephone: (202) 783-5070

Facsimile: (202) 783-2331

N THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant Kobi Iki et al. Art Unit : Unknown Serial No. : 10/766,894 Examiner : Unknown

Filed : January 30, 2004

Title : CARTILAGE TREATMENT PROBE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## ASSENT OF ASSIGNEE TO CORRECTION OF INVENTORSHIP AND CERTIFICATE UNDER 37 CFR §3.73(b)

Smith & Nephew, Inc., the assignee of the above U.S. patent application, hereby assents to the correction of inventorship filed herewith. Under 37 CFR §3.73(b), Smith & Nephew, Inc., a Delaware corporation with its principal place of business in Memphis, Tennessee, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from Kobi Iki, William M. Ambrisco, Douglas M. Lorang, Alan P. Gannon, Richard M. Ranalli, and Mathew E. Mitchell recorded in the Patent and Trademark Office at Reel 015686, Frame 0697 on August 17, 2004, and an assignment from Mark Markel and Ryland B. Edwards III being filed concurrently herewith.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

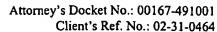
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date:\_\_\_\_\_\_ MAY 12 2005

Joel R. Petrow, Reg. No. 30,886

Chief Patent Counsel Smith & Nephew, Inc. 1450 Brooks Road Memphis, TN 38116



JUL 1 8 2005 33

#### BINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled <u>CARTILAGE TREATMENT PROBE</u>, the specification of which:

() X)	is attached hereto.  ] was filed on <u>January 30, 2004</u> as Application Serial No. <u>10/766,894</u> and was amended on				
0		med in PCT International Applicati nd as amended under PCT Article 1			
	•	riewed and understand the contents any amendment referred to above.	of the above-identified specification,		
	acknowledge the duty to di ode of Federal Regulations		material to patentability in accordance	with	
	nereby claim the benefit un (s) listed below:	nder Title 35, United States Code, §	119(e)(1) of any United States provision	nal	
	U.S. Serial No.	Filing Date	Status		
60,	/443,840	January 31, 2003	Abandoned		
	•		outs this smallestion and to transact all		

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

### 26166

#### **PTO Customer Number**

Direct all telephone calls to SCOTT B. MARKOW at telephone number (202) 783-5070.

Direct all correspondence to the following:

### 26166

#### **PTO Customer Number**

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Full Name of Inventor:	KOBI IKI		1 1
Inventor's Signature:	F6 · / \	Date:	6/30/05
Residence Address:	San Carlos, CA		
Citizenship:	United States of America		
Post Office Address:	580 Emerald Ave.		
	San Carlos, CA 94070		
•	•		
Full Name of Inventor:	WILLIAM M. AMBRISCO		
Inventor's Signature:		Date:	•
Residence Address:	Mountain View, CA		
Citizenship:	United States		
Post Office Address:	58 Devonshire Ave.		,
	Apt. A		•
	Mountain View, CA 94043		
Full Name of Inventor:	DOUGLAS M. LORANG		•
Inventor's Signature:		Date:	
Residence Address:	San Jose, CA		
Citizenship:	United States of America		
Post Office Address:	1631 Via Campagna		
	San Jose, CA 95120		
Full Name of Inventor:	ALAN P. GANNON		
Inventor's Signature:		Date:	
Residence Address:	Amesbury, MA		
Citizenship:			
Post Office Address:	37 Kimball Road		
	Amesbury, MA 01913		
Full Name of Inventor:	RICHARD M. RANALLI		
Tuli Name of Hiveliot.	Remarks M. Remonder		
Inventor's Signature:		Date:	
Residence Address:	Berwick, Maine		
Citizenship:	United States	•	
Post Office Address:	371 Diamond Hill Road,		•
	Berwick, Maine 03901		

# Combined Declaration and Power of Attorney Page 3 of 3 Pages

Full Name of Inventor:	MATHEW E. MITCHELL		
Inventor's Signature:		Date:	
Residence Address:	Pelham, NH		
Citizenship:	United States		
Post Office Address:	12 Fletcher Dr.		
	Pelham, NH 03076		
Full Name of Inventor:	MARK MARKEL		
Inventor's Signature:		Date:	
Residence Address:	Middleton, WI		
Citizenship:	United States of America		
Post Office Address:	2141 Middleton Beach Road		
	Middleton, WI 53562		
Full Name of Inventor:	RYLAND B. EDWARDS III		
Inventor's Signature:		Date:	
Residence Address:	Middleton, WI		
Citizenship:	United States		
Post Office Address:	3081 Baskerville Avenue		
	Middleton, WI 53562		

40279044.dcc



Attorney's Docket No.: 00167-491001

Client's Ref. No.: 02-31-0464

### PADECOMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled <u>CARTILAGE TREATMENT PROBE</u>, the specification of which:

IJ	is attached hereto.		
[X]	was filed on January	30, 2004 as Application Serial No.	10/766,894 and was amended on
0		imed in PCT International Application as amended under PCT Article 19	
	•	viewed and understand the contents of any amendment referred to above.	of the above-identified specification,
	knowledge the duty to d		material to patentability in accordance with
	reby claim the benefit w ) listed below:	nder Title 35, United States Code, §	119(e)(1) of any United States provisional
	U.S. Serial No.	Filing Date	Status
60/4/	43 840	January 31, 2003	Abandoned

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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Full Name of Inventor:	KOBI IKI		•
Inventor's Signature:	•	Date:	•
Residence Address:	San Carlos, CA		<del></del>
Citizenship:	United States of America		•
Post Office Address:	580 Emerald Ave.		
1 051 Office Address.	San Carlos, CA 94070		
	San Carlos, CA 94070		
Full Name of Inventor:	WILLIAM M. AMBRISCO _ 0		
Inventor's Signature:	- Kellan Mange	Date:	6/21/05
Residence Address:	Mountain View, CA		2/04/
Citizenship:	United States		
Post Office Address:	58 Devonshire Ave.		
1 Ost Office Address.	Apt. A		
	Mountain View, CA 94043		
	Mountain View, CA 94045		
Full Name of Inventor:	DOUGLAS M. LORANG		·
	• .		
Inventor's Signature:	·	Date:	
Residence Address:	San Jose, CA	_	
Citizenship:	United States of America		
Post Office Address:	1631 Via Campagna		
	San Jose, CA 95120		
, .			
Full Name of Inventor:	ALAN P. GANNON		•
Inventor's Signature:	•	Date:	
Residence Address:	Amesbury, MA	_ `	
Citizenship:		•	
Post Office Address:	37 Kimball Road		•
	Amesbury, MA 01913		
	·	,	
Full Name of Inventor:	DICHARD M. DANALLI		•
ruii name of inventor:	RICHARD M. RANALLI		
Inventor's Signature:	· · · · · · · · · · · · · · · · · · ·	Date:	
Residence Address:	Berwick, Maine		
Citizenship:	United States		:
Post Office Address:	371 Diamond Hill Road,		•
	Berwick, Maine 03901		•
	201 11014 11111111 03701		

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Attorney's Docket No.: 00167-491001 Client's Ref. No.: 02-31-0464

Full Name of Inventor:	MATHEW E. MITCHELL		
Inventor's Signature:		Date:	
Residence Address:	Pelham, NH		
Citizenship:	United States		
Post Office Address:	12 Fletcher Dr.		•
	Pelham, NH 03076		
Full Name of Inventor:	MARK MARKEL		
Inventor's Signature:		Date:	
Residence Address:	Middleton, WI	-	
Citizenship:	United States of America		
Post Office Address:	2141 Middleton Beach Road	••	
	Middleton, WI 53562	•	
Full Name of Inventor:	RYLAND B. EDWARDS III		
Inventor's Signature:	· · · · · · · · · · · · · · · · · · ·	Date:	·
Residence Address:	Middleton, WI		•
Citizenship:	United States		•
Post Office Address:	3081 Baskerville Avenue	•	•
•	Middleton, WI 53562		

Attorney's Docket No.: 00167-491001

Client's Ref. No.: 02-31-0464

#### COMBINED DECLARATION AND POWER OF ATTORNEY

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and

As a below named inventor, I hereby declare that:

Seamont 6/20/2005

My residence, post office address and citizenship are as stated below next to my name.

joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled <a href="CARTILAGE TREATMENT PROBE">CARTILAGE TREATMENT PROBE</a>, the specification of which:

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[X] was filed on <a href="January 30, 2004">January 30, 2004</a> as Application Serial No. <a href="Joint Tolor: 10/766,894">10/766,894</a> and was amended on

[] was described and claimed in PCT International Application No. <a href="Joint Filed on and as amended under PCT Article 19 on and as amended under PCT Article 19 on Including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. Serial No. Filing Date Status

60/443,840 January 31, 2003 Abandoned

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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Inventor's Signature:		Date:	
Residence Address:	San Carlos, CA		
Citizenship:	United States of America		
Post Office Address:	580 Emerald Ave.		
	San Carlos, CA 94070		
	Sail Sailes, 671 71070		
Full Name of Inventor:	WILLIAM M. AMBRISCO		
Inventor's Signature:		Date:	
Residence Address:	Mountain View, CA	<del></del>	
Citizenship:	United States		
Post Office Address:	58 Devonshire Ave.		
	Apt. A		
	Mountain View, CA 94043		
Full Name of Inventor:	DOUGLAS M. LORANG		
Inventoria Signaturo	6 briefen 2 -	Datas	7. 26 25 5
Inventor's Signature:	San loss Chr. All Joseph	Date:	June 29, 2005
Residence Address:	San Jose, CA Ripon, CA		
Citizenship: Post Office Address:	United States of America		
Post Office Address:	1631 Via Gampagna 547 Lan Way San Jose, CA 95120 Ripon, CA 95366		
	DML Ripon, CA 45366		
Evil No.	ALAND CANDON		
Full Name of Inventor:	ALAN P. GANNON		
Inventor's Signature:		Date:	
Residence Address:	Amesbury, MA		
Citizenship:			
Post Office Address:	37 Kimball Road		
	Amesbury, MA 01913		
Full Name of Inventor:	RICHARD M. RANALLI		
		_	
Inventor's Signature:		Date:	<del></del>
Residence Address:	Berwick, Maine		
Citizenship:	United States		
Post Office Address:	371 Diamond Hill Road,		
	Berwick, Maine 03901		

# Combined Declaration and Power of Attorney Page 3 of 3 Pages

Full Name of Inventor:	MATHEW E. MITCHELL		
Inventor's Signature:		Date:	
Residence Address:	Pelham, NH		
Citizenship:	United States		
Post Office Address:	12 Fletcher Dr.		
	Pelham, NH 03076		
Full Name of Inventor:	MARK MARKEL		
Inventor's Signature:		Date:	
Residence Address:	Middleton, WI		
Citizenship:	United States of America		
Post Office Address:	2141 Middleton Beach Road		
	Middleton, WI 53562		
Full Name of Inventor:	RYLAND B. EDWARDS III		
Inventor's Signature:		Date:	
Residence Address:	Middleton, WI		
Citizenship:	United States		
Post Office Address:	3081 Baskerville Avenue	·	
	Middleton, WI 53562		

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	•	ewed and understand the contents ny amendment referred to above.	of the above-identified spec	cification,	
	knowledge the duty to dis e of Federal Regulations,	close all information I know to be §1.56.	material to patentability in	accordance with	
	reby claim the benefit und ) listed below:	der Title 35, United States Code, §	119(e)(1) of any United Sta	ates provisional	
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Full Name of Inventor:	KOBI IKI		
Inventor's Signature:		Date:	
Residence Address:	San Carlos, CA		
Citizenship:	United States of America		
Post Office Address:	580 Emerald Ave.		
	San Carlos, CA 94070		
Full Name of Inventor:	WILLIAM M. AMBRISCO		
Inventor's Signature:		Date:	
Residence Address:	Mountain View, CA		
Citizenship:	United States		
Post Office Address:	58 Devonshire Ave.		
	Apt. A		
	Mountain View, CA 94043		
Full Name of Inventor:	DOUGLAS M. LORANG		
Inventor's Signature:		Date:	
Residence Address:	San Jose, CA	<del></del>	
Citizenship:	United States of America		
Post Office Address:	1631 Via Campagna		
	San Jose, CA 95120		
Full Name of Inventor:	ALAN P. GANNON		
	4. 4.		
Inventor's Signature:	Man b. Danmon	Date:	6/9/2005
Residence Address:	Amesbury, MA		
Citizenship:			
Post Office Address:	37 Kimball Road		
	Amesbury, MA 01913		
Full Name of Inventor:	RICHARD M. RANALLI		
	1 1 Mar 1 1.		
Inventor's Signature:	Nickelly Kan 1.	Date:	6/9/2001
Residence Address:	Berwick, Maine		
Citizenship:	United States		
Post Office Address:	371 Diamond Hill Road,		
	Berwick Maine 03901		

# Combined Declaration and Power of Attorney Page 3 of 3 Pages

Full Name of Inventor:	MATHEW E. MITCHELL	
Inventor's Signature: Residence Address: Citizenship: Post Office Address:	Pelham, NH United States 12 Fletcher Dr. Pelham, NH 03076	Date: <u>6/9/05</u>
Full Name of Inventor:	MARK MARKEL	
Inventor's Signature: Residence Address: Citizenship: Post Office Address:	Middleton, WI United States of America 2141 Middleton Beach Road Middleton, WI 53562	Date:
Full Name of Inventor:	RYLAND B. EDWARDS III	
Inventor's Signature:		Date:
Residence Address: Citizenship: Post Office Address:	Middleton, WI United States 3081 Baskerville Avenue Middleton, WI 53562	

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	[x] [j	is attached hereto, was filed on January 30	). 2004 as Application Script No. 1	<u>0/766,894</u> and was ame	nded on
	Q	was described and claim	ned in PCT International Application I as annended under PCT Article 19	n No	_ filed on ·
including	I here the c	eby stato that I have reviselaims, as amended by an	ewed and understand the contents of amendment referred to above.	the above-identified spe	cification,
Title 37,	i acki Code	nowledge the duty to disc of Federal Regulations,	close all information I know to be a §1.56.	naterial to patentability in	accordance wit
application	on(a) I pere	eby claim the benefit und listed below:	er Title 35, United States Code, §11	19(e)(1) of any United St	ates provisional
6	0/44	U.S. Serial No. 3,840	Filing Date January 31, 2003	Status Abandoned	
business i	l here in the	by appoint the following Patent and Trademark (	s attorneys and/or agents to prosecut Office connected therewith:	te this application and to	trunsact all

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Full Name of Inventor:	KOBI IKI		
Inventor's Signature: Residence Address:	Can Challan Ch	Dute:	
Citizenship:	San Carlos, CA		
Post Office Address:	United States of America 580 Emerald Ave.		
1 but Ditte Addiesa.	San Carlos, CA 94070		
	Suit Catina, CX 940/0		
Full Name of Inventor:	WILLIAM M. AMBRISCO		
Inventor's Signature:		Date:	
Residence Address:	Mountain View, CA	Date:	
Citizenship:	United States		
Post Office Address:	58 Devonshire Ave.		
	Apt. A		
	Mountain View, CA 94043		
Full Name of Inventor:	DOUGLAS M. LORANG		
Inventor's Signature:		Date:	
Residence Address:	San Jose, CA	Date:	
Citizenship:	United States of America		
Post Office Address:	1631 Via Campagna		
	San Jose, CA 95120		
Full Name of Inventor:	ALAN P. GANNON		
Inventor's Signature:			
Residence Address:	Amesbury, MA	Date:	
Citizenship:	wireandth' tatv		
Post Office Address:	37 Kimball Road		
	Amesbury, MA 01913		
Full Name of Inventor:	RICHARD M. RANALLI		
Inventor's Signature:		Date:	
Residence Address:	Berwick, Maine		
Citizenship:	United States		
Post Office Address:	371 Diamond Hill Road,		
	Perviet Main- 03001		

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Attorney's Docket No.: 00167-491001 Client's Ref. No.: 02-31-0464

Full Name of Inventor:	MATHEW E. MITCHELL	í	
Inventor's Signature:		Date:	
Residence Address: Citizenship: Post Office Address:	Pelham, NH United States 12 Fletcher Dr. Pelham, NH 03076		
Full Name of Inventor:	MARK MARKEL	, , ,	
Inventor's Signature: Residence Address: Citizenship: Post Office Address:	Middleton, WI United States of America 2141 Middleton Beach Road Middleton, WI 53562	Date: 7/5/05	
Full Name of Inventor:	RYLAND B. EDWARDS III		
Inventor's Signature:	Cheros a Da	Date: 7/5/01	
Residence Address:	Middleton, WI		
Citizenship:	United States		
Post Office Address:	3081 Baskerville Avenue Middleton, WI 53562		



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kobi Iki et al. Art Unit: Unknown Serial No.: 10/766,894 Examiner: Unknown

Filed: January 30, 2004

Title : CARTILAGE TREATMENT PROBE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### STATEMENT OF LACK OF DECEPTIVE INTENT

We, the undersigned, Mark Markel and Ryland B. Edwards III, were erroneously omitted as inventors of the above-identified patent application. This error occurred without deceptive intent and we should be added as inventors of the above-identified patent application.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 7/5/05

Mark Markel

Date: 7/5/05

Ryland B. Edwards II